IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 17695 of 2004

Between:

Udayagiri Water Shed Association at udayagiri (Society No.515 fo 2004) rep. by its Chairman, Tummala Ramanaiah, S/o.Late Sri Lakshmaiah Garu R/o.Musaipet (Village and Post) Udayagiri (Mandal), Nellore District.

..... PETITIONER

AND

1 The Project Director, Command Area Development at Nellore.
2 In-Charge Deputy Executive Engineer Kavali Division Command Area

Development at Kavali, Nellore District.
3 Water Development Team Leader (W.D.T) at Udayagiri, Nellore District.
4 G.Obulu Reddy S/o.Pitchi Reddy
R/o.Ganugapentapalli, Masaipet Post, Udayagiri Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Mandamus declaring the action of the respondent Nos.1 to 3 in not enabling the petitioners to carry out the works so far identified under the unlawful influence and oral instructions of respondent No.4 as illegal, bad, unsustainable and violative of Principles of natural justice.

Counsel for the Petitioner: MR.T.JAGDISH

Counsel for the Respondent Nos.1 to 3: GP FOR IRRIGATION & COMM AREA DEV.

Counsel for the Respondent No.4: MR.V.NARAYANA REDDY

The Court at the admission stage made the following:

ORDER:

The petitioner, which claims to be an Association registered under the Societies Registration Act, 2001, filed this writ petition seeking a writ of Mandamus declaring the action of the respondents 1 to 3 in not enabling the petitioner Association to carry out the works so far identified, alleged to be at the instance of the fourth respondent, as arbitrary and illegal.

The case of the petitioner is that the petitioner Association has been registered long back for the purpose of the Water Management in the locality in terms of the provisions contained in A.P. Farmers' Management of Irrigation Systems Act, 1997 (for short, 'the Act'). It is further stated that pursuant to the efforts of the petitioner Association, several works were identified by the respondents 1 to 3 and permission was also accorded for carrying out the identified works. The petitioner claims that they have deposited a sum of Rs.4,98,470/- on 30-06-2004 for commencing the identified works.

While so, the grievance of the petitioner is that the fourth respondent who claims to have floated a new association is also making rival claim in respect of the said identified works and influencing the respondents 1 to 3 and prevailing upon them so as to not to allow the petitioner Association to execute the identified works. The contention of the petitioner is that there cannot be two Associations operating in the same area and therefore it made a representation to the District Collector, Project Director at Nellore and

the Rural Development Commissioner at Hyderabad setting out all the facts relating to the false claims made by the fourth respondent. However, no orders have been passed so far. Hence this writ petition seeking the above relief.

Heard the learned counsel for the petitioner, the learned Government Pleader for Irrigation and the learned counsel appearing for the fourth respondent and perused the material on record.

The learned counsel for the fourth respondent while denying all the allegations made by the petitioner states that as a matter of fact, the registration of the petitioner Association has already been recalled. Be that as it may, since apparently the matter involves several disputed questions of fact, I am not inclined to express any opinion with regard to the rival claims made by the parties. However, keeping in view the fact that under Section 26 of the Act, a detailed procedure has been prescribed for the settlement of disputes by the District Collector, before whom the representation made by the petitioner is pending, the Writ Petition is disposed of with a direction to the District Collector, Nellore to consider the rival claims made by the parties and to pass appropriate orders in accordance with law after affording due opportunity to the petitioner as well as to the fourth respondent. It is open to both the parties to place relevant material, if any, to substantiate their claims, in which event, the District Collector shall consider the same and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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06.10.2004

Note: Furnish CC in one week

(b/o)

VGB

To

1 The District Collector, Nellore district, Nellore.

2 The Project Director, Command Area Development at Nellore.
3 In-Charge Deputy Executive Engineer Kavali Division Command Area

Development at Kavali, Nellore District.
4 Water Development Team Leader (W.D.T) at Udayagiri, Nellore District.

5 2CCs to the Government Pleader for Irrigation and Command Area

Development, High Court Buildings, Hyderabad (OUT)

6 2CD copies